

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-12242

Mark A. Genovezos

v.

Sheriff Hodgson, et al.,

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/6/05.

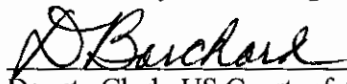
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 7, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7/8/05.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12242-NMG**

Genovezos v. Hodgson et al
Assigned to: Judge Nathaniel M. Gorton
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/20/2004
Jury Demand: None
Nature of Suit: 550 Prisoner:
Civil Rights
Jurisdiction: Federal Question

Plaintiff

Mark Genovezos

represented by **Mark Genovezos**
Bristol County Sheriff's
Office
400 Faunce Corner Rd.
North Dartmouth, MA 02747
PRO SE

V.

Defendant

Thomas M. Hodgson
Sheriff

Defendant

James P. Kelly
Deputy Superintendent



Defendant

John Pope
Law Librarian Staff

Defendant

Peter Berthiaume
Medical Staff

Date Filed	#	Docket Text
10/20/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Mark Genovezos.(Jenness, Susan) (Entered: 10/25/2004)
10/20/2004	<u>2</u>	MOTION to Appoint Counsel by Mark Genovezos. (Jenness, Susan) (Entered: 10/25/2004)
10/20/2004	<u>3</u>	COMPLAINT against Peter Berthiaume, Thomas M. Hodgson, James P. Kelly, John Pope Filing fee: \$ 0.00, receipt number 0.00, filed by Mark Genovezos. (Jenness, Susan) (Entered: 10/25/2004)
10/20/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Jenness, Susan) (Entered: 10/25/2004)
10/20/2004		MOTION to Amend <u>3</u> Complaint by Mark Genovezos.(Jenness, Susan) (Entered: 10/25/2004)
11/01/2004	<u>5</u>	Letter/request (non-motion) from Mr. Genovezos requesting status of his case. (Jenness, Susan) (Entered: 12/03/2004)
11/22/2004	<u>4</u> e	Status Letter from Pro Se Intake Clerk to Mr. Genovezos reporting status on his case filed 10/25/04 which is undergoing preliminary screening. Letter mailed via us mail. (Jenness, Susan) Modified on 11/22/2004 (Jenness, Susan). (Entered: 11/22/2004)
11/29/2004	<u>6</u> e	Letter/request in response to Mr. Genovezos letter (non-motion) from Deputy Clerk Jenness. (Jenness, Susan) (Entered: 12/03/2004)
12/28/2004	<u>7</u>	Judge Nathaniel M. Gorton : MEMORANDUM AND ORDER entered: For the reasons set forth in the Memorandum and Order, it is Ordered: 1. Plaintiff's

		<p>Motion to Proceed in forma pauperis is denied without prejudice; 2. Plaintiff's motion to amend complaint at a later time is denied without prejudice; 3. Plaintiff's motion for appointment of counsel to litigate class action complaint is denied without prejudice; 4. Plaintiff shall file, within forty-two (42) days, a completed Application to Proceed in forma pauperis, accompanied by his certified prison balance statement; failure to do so shall result in dismissal of this action; 5. Plaintiff shall demonstrate within forty-two (42) days, good cause why this action should not be dismissed; failure to do so shall result in dismissal of this action; 6. The Clerk is directed to send plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit. 7. Genovezos is deemed to be the sole plaintiff in this action at this time. If any purported class action plaintiff seeks to join as a co-Plaintiff in this action (and the filing fee shall be assessed proportionately), he shall file a separate Motion to Join Plaintiff Genovezos's complaint, along with a completed Application to Proceed Without Prepayment of Fees an Affidavit, accompanied by his prison account statement.(Greenberg, Rebecca) (Entered: 12/28/2004)</p>
02/01/2005		<p>MOTION for Extension of Time to file IFP Application & Prison Account Statement by Mark Genovezos.(Barrette, Mark) (Entered: 02/03/2005)</p>
02/18/2005		<p>Judge Nathaniel M. Gorton : ORDER entered re: MOTION for Extension of Time to file IFP Application & Prison Account Information: It is hereby ORDERED that, to the extent that the Bristol County Sheriff's Office, or other prison facility housing the Plaintiff requires an Order of this Court before it will provide the Plaintiff with a certified copy of his prison account statement, this Memorandum and Order shall constitute such an Order requiring that</p>

		facility to provide any requested prison account balance information and documentation to the Plaintiff, so that he may submit that to the Court as part of his Application to Proceed in forma pauperis. It is further ORDERED, that Plaintiff's Motion for an Extension of Time is Allowed. Plaintiff shall comply with the Memorandum and Order to show cause and to file his prison account statement by no later than April 1, 2005. cc/cl(Greenberg, Rebecca) (Entered: 02/22/2005)
02/22/2005	●10	Letter/request (non-motion) from Mark Genovezos. (Barrette, Mark) (Entered: 02/25/2005)
02/22/2005	●11	MOTION for Leave to Appeal in forma pauperis by Mark Genovezos.(Barrette, Mark) (Entered: 02/25/2005)
03/17/2005	●12	Mail Returned as Undeliverable. Mail sent to Mark Genovezos (Nici, Richard) (Entered: 03/18/2005)
04/14/2005	●13	Judge Nathaniel M. Gorton: ORDER TO PRISON TO PROVIDE REQUESTED PRISON ACCOUNT INFORMATION, entered...Accordingly, it is hereby ORDERED that the Bristol County Sheriff's Office, or other prison facility housing the Pltf shall, by no later than April 30, 2005, provide this Court with a certified copy of Pltf's prison account statement. Such statement shall include balance information for the six (6)months preceding October 20, 2004 (date complaint was filed), and specifically include the following information: 1)the average monthly deposits to pltf's prison account for that six(6) month period; and 2)the average monthly balance in Pltf's account for the six (6) month period immediately preceeding October 20, 2004. SO ORDERED. (Boyce, Kathy) (Entered: 04/19/2005)
05/06/2005	●	Mail Returned as Undeliverable. Mail sent to Mark Genovezos. Mail forwarded to Pro Se Staff Attorney

		Office. (Elefther, Elizabeth) (Entered: 05/10/2005)
05/17/2005	• 14	Letter/request (non-motion) from Mark Genovezos. (Elefther, Elizabeth) (Entered: 05/24/2005)
06/27/2005	• 15	Judge Nathaniel M. Gorton : Memorandum and ORDER entered Dismissing <u>11</u> Motion for Leave to Appeal in forma pauperis. "Accordingly, for reasons set forth in the December 28, 2004 Memorandum and Order, and for Plaintiff's failure to comply with that Memorandum and Order within the time period allowed by this Court, it is hereby Ordered that this action is dismissed without prejudice." (Elefther, Elizabeth) Modified on 7/6/2005 (Elefther, Elizabeth). (Entered: 06/28/2005)
06/27/2005	•	Civil Case Terminated. (Elefther, Elizabeth) (Entered: 06/28/2005)
07/06/2005	• 16	NOTICE OF APPEAL by Mark Genovezos. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/26/2005. (Elefther, Elizabeth) (Entered: 07/06/2005)